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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/813,660 | 03/31/2004 | Jay R. Wallace | 071469-0307366 | 5206 |
| 909 | 7590 | 08/29/2005 | EXAMINER | |
| PILLSBURY WINTHROP SHAW PITTMAN, LLP | | | FRISTOE JR, JOHN K | |
| P.O. BOX 10500 | | | ART UNIT | |
| MCLEAN, VA 22102 | | | PAPER NUMBER | |
| | | | 3751 | |

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,660

Applicant(s)

WALLACE, JAY R.

Examiner

John K. Fristoe Jr.

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3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 12 and 13 is/are allowed.
6) ☒ Claim(s) 1-4, 6, 8 and 14 is/are rejected.
7) ☒ Claim(s) 5, 7 and 9-11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/31/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. It is unclear to the examiner in light of the disclosure how the vacuum feed through device maintains the vacuum within the first treatment system and the second treatment system in the embodiments depicted in figures 3A-4B. Are there seals around the shaft in the hinge that maintain the vacuum within the first and second treatment system?

Information Disclosure Statement

2. The information disclosure statement filed 3/31/2004 has been considered but the examiner has marked through the entries so that the Application numbers cannot be printed on any eventual patent to abide by Applicant's request to not print the Application numbers listed on the statement.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,916,949 (Armstrong) in view of U.S. Pat. No. 5,567,909 (Sugarman et al.). Armstrong discloses a gate valve and a method of operating the gate valve comprising a first treatment system (the valve is connected to two conduits which effect the matter passing through the valve and therefore are considered treatment sites, i.e. a bend in the conduit would affect the matter), a second treatment system (the valve is connected to two conduits which effect the matter passing through the valve and therefore are considered treatment sites, i.e. a bend in the conduit

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would affect the matter, an actuator (60) rotatably coupled through (via the flanges 16) to the first treatment system and the second treatment system, an actuator arm (66) having a distal end (adjacent element 67), a hinge (37) coupled (via flange 16) to the first and second treatment systems; an isolation gate (20), wherein translation of the actuator arm (66) opens and closes the gate (20), wherein the actuator has a first end coupled to the first treatment system (via flange 16) and the second system via a trunion mount (64 and 63), wherein the distal end (adjacent element 67) of the actuator arm is rotatably coupled to the isolation gate (20) via a pivot hinge (37), a linkage arm (70), a shaft (35), and wherein withdrawal of the actuator arm (66) in the actuator (60) cause the gate (20) to close but lacks a vacuum feed-through to maintain the vacuum within the first treatment and second treatment system. Sugarman et al. teach a vacuum feed-through in a wafer treatment device comprising a first end plate (19), a second end plate (10), and a bellows (21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gate valve and method of operating the gate valve of Armstrong by using a vacuum feed through as taught by Sugarman et al. in order to maintain the vacuum within the gate valve and to inhibit any material that is passing through the valve from exiting the valve through the hinge.

Allowable Subject Matter

5. Claims 12 and 13 are allowed.
6. Claims 5, 7, and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,386,511 (Watanabe et al.) discloses a gate valve having a linkage connected to the actuator.

U.S. Pat. No. 5,697,596 (Kremers et al.) discloses a gate valve having a linkage connected to the actuator.

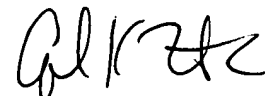
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926.

The examiner can normally be reached on Monday-Friday, 7: 00 a.m-4: 30 p.m.

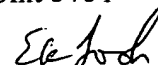
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JKF



John K. Fristoe Jr.
Examiner
Art Unit 3751



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
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8/5/05